

IPW



Docket No.: 247394US6YA



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/764,456
Applicants: Steven T. FINK
Filing Date: January 27, 2004
For: METHOD AND APPARATUS FOR IMPROVED
FASTENING HARDWARE
Group Art Unit: 1775
Examiner: XU, LING X

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Steven P. Weihrouch

Registration No. 32,829

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\ATT\MEDG\2312 - TOKYO ELECTRON\PC\PC 244A\247394US\247394 PTO CVR.DOC

Edwin D. Garlepp

Registration No. 45,330

DOCKET NO: 247394US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
STEVEN T. FINK : EXAMINER: XU, LING X
SERIAL NO: 10/764,456 :
FILED: JANUARY 27, 2004 : GROUP ART UNIT: 1775
FOR: METHOD AND APPARATUS FOR :
IMPROVED FASTENING HARDWARE

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated September 14, 2005, Applicant provisionally elect with traverse Group I, Claims 1-19 drawn to a product, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

Application No. 10/764,456
Reply to Office Action of September 14, 2005

effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-24 conducted.

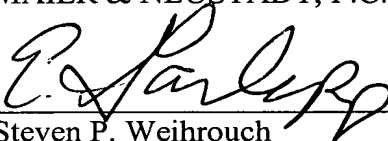
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)



Steven P. Weihrouch
Attorney of Record
Registration No. 32,829

Edwin D. Garlepp
Attorney of Record
Registration No. 45,330